

## AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A vehicle surroundings monitoring apparatus, comprising:
- frontal information detecting means for detecting at least solid object information ahead of an own vehicle;
- preceding vehicle recognizing means for recognizing a preceding vehicle traveling in front of the own vehicle based on the solid object information;
- own vehicle traveling path estimating means for estimating a path ~~that is predicted~~ of travel for the own vehicle to travel on a road ahead of the own vehicle as a traveling path of the own vehicle;
- first evacuation possibility judging means ~~for judging a relative~~ that judges an evacuation possibility for the preceding vehicle to evacuate from the state of being the preceding vehicle of the own vehicle according to the position of the preceding vehicle and the position of the own vehicle;
- second evacuation possibility judging means ~~for judging a relative~~ that judges an evacuation possibility for the preceding vehicle to evacuate from the state of being the preceding vehicle of the own vehicle according to information of a solid object other than the preceding vehicle; and
- preceding vehicle evacuation possibility judging means ~~for judging~~ that judges a possibility of ~~relative~~ evacuation for the preceding vehicle to evacuate from the state of being the preceding vehicle of the own vehicle according to the possibility of ~~relative~~ evacuation by the first evacuation possibility judging

2. (Previously Presented) The vehicle surroundings monitoring apparatus according to claim 1, wherein:
  - the frontal information detecting means detects road information ahead of the own vehicle in addition to the solid object information and comprises own vehicle traveling condition detecting means for detecting a traveling condition of the own vehicle, and
  - the own vehicle traveling path estimating means estimates an own vehicle traveling path based on the road information as a first own vehicle traveling path, estimates an own vehicle path based on the traveling condition of the own vehicle as a second own vehicle traveling path and estimates a new own vehicle traveling path based on the first own vehicle traveling path and the second own vehicle traveling path.
3. (Canceled)
4. (Currently Amended) The vehicle surroundings monitoring apparatus according to claim 1, wherein the first evacuation possibility judging means judges the ~~relative~~ evacuation possibility according to a frontal distance of the preceding vehicle from the own vehicle and a separation of the preceding vehicle from the own vehicle traveling path.
5. (Currently Amended) The vehicle surroundings monitoring apparatus according to claim 1, wherein the preceding vehicle evacuation possibility judging means judges that when the

6. (Currently Amended) The vehicle surroundings monitoring apparatus according to claim 1, wherein:

the preceding vehicle evacuation possibility judging means judges that there is a possibility of relative evacuation of the preceding vehicle when the a sum of the numerical values expressing that the evacuation possibility is high exceeds a predetermined threshold value.

8. (Currently Amended) The vehicle surroundings monitoring apparatus according to claim 6, wherein:

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when the preceding vehicle is ~~invisible~~ not judged to be in the preestablished region in the vicinity of the traveling path of the own vehicle and in the respective evacuation possibility judging regions, the first evacuation possibility judging means judges that the possibility of relative evacuation of the preceding vehicle is ~~low~~ less, and in response reduces the sum of the numerical values ~~expressing that the evacuation possibility is high, as judged by the preceding vehicle evacuation possibility judging means,~~ to a predetermined value that expresses the evacuation possibility.

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the own vehicle is provided with the vehicle surroundings  
monitoring apparatus according to claim 1, and  
information of an evacuation possibility of a the preceding  
vehicle by the vehicle surroundings monitoring apparatus is  
information of the preceding vehicle.